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ATTORNEYS FOR  
Plaintiffs

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(San Jose Division)

In re: ) Case No. 11-60405  
)  
ZIA JAMAL NOORZOY and CECELIA A. ) CHAPTER 7  
AUSTIN, )  
)  
Debtor. )

\_\_\_\_\_ )  
) Adversary Proceeding  
AISHA A. KRECHUNIAK, individually, )  
and as Trustee For THE KRECHUNIAK, ) No. 12-05016  
AISHA A. 2001 TRUST, )

Plaintiffs, ) **DECLARATION OF WILLIAM J.  
HEALY RE: RENEWED MOTION FOR  
ENTRY OF JUDGMENT**

v. )  
) Date: September 22, 2015  
ZIA JAMAL NOORZOY and CECELIA A. ) Time: 1:30 p.m.  
AUSTIN, ) Court: United States Bankruptcy  
Defendants. ) 280 South First St., Rm 3099  
San Jose, CA

Judge: Hon. Stephen Johnson

\_\_\_\_\_ )  
I, William J. Healy, do hereby declare:

1. I am an attorney at law duly licensed to practice before all the courts of the State of California, several district and divisions of the District Courts in and for the State of California, including this court, and a member of the law firm of Campeau Goodsell Smith,

DECLARATION OF WILLIAM J. HEALY RE: RENEWED MOTION FOR ENTRY OF JUDGMENT

1 attorneys herein for AISHA A. KRECHUNIAK, individually, and as Trustee For  
2 THE KRECHUNIAK, AISHA A. 2001 TRUST ("Plaintiffs").

3 2. I make this declaration of my own personal knowledge based on my handling of this  
4 matter, including review of the court docket and related pleadings, review of materials  
5 provided by this firm's client, and various public records, except for those matters based on  
6 information and belief and as to those matters I am informed and believe them to be true. If  
7 called to testify as to the matters stated herein I would do so in an honest and competent  
8 manner. I do not intend to waive any privileges, including the attorney client and work  
9 product privileges by way of this declaration.

10 3. I prepared the accompanying RENEWED MOTION FOR ENTRY OF JUDGMENT of  
11 my own personal knowledge or information upon which I am informed and believe, know or  
12 believe the facts stated are true and correct, and if called to testify as to the matters stated  
13 herein I would do so in an honest and competent manner.

14 4. Attached hereto as Exhibit A is a true and correct copy of the November 6, 2015  
15 Memorandum of Settlement provided to me by Attorney Ralph Guenther, counsel for  
16 defendants (in the Bankruptcy case, Adversary Proceeding, and State Court Action).

17 5. On November 6, 2014 Plaintiffs and Defendant executed a Memorandum of  
18 Settlement which provided, in pertinent part, that Defendant shall pay Plaintiff the total sum  
19 of \$600,000 as follows: (a) \$100,000 by December 31, 2014; (b) 10% of net commissions  
20 from April 1, 2015 and thereafter; (c) the balance of \$500,000 no more than five (5) years  
21 from January 1, 2015; (d) execution of a stipulated judgment against Defendant in the  
22 amount of \$850,000; (e) that the settlement and stipulated judgment shall be non-  
23 dischargeable in bankruptcy; and (f) the settlement shall be confidential<sup>1</sup>. Defendant did not  
24 perform pursuant to the Memorandum of Settlement.

25 6. On April 22, 2015 Plaintiffs filed a Motion for Entry of Judgment (Doc#22). On June  
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27 \_\_\_\_\_  
28 <sup>1</sup>I am informed and believe that the Memorandum of Settlement was previously filed in the State Court Action.

1 2, 2015 the court held a hearing and, as indicated in the official transcript, elected not to  
2 grant the motion at that time. A true and correct copy of the official transcript for the hearing  
3 on the original Motion for Entry of Judgment is attached hereto as Exhibit B.

4 7. Following the June 2, 2015 hearing before this court, Plaintiffs returned to state court  
5 to enforce the Memorandum of Settlement and obtain a judgment. On July 31, 2015, upon  
6 Plaintiffs' motion and over Defendant's opposition/objection, the state court entered  
7 judgment in the State Court Action in favor of Plaintiffs and against Defendant. A true and  
8 correct copy of the State Court Judgment is attached hereto as Exhibit C.

9 8. The April 4, 2012 Order On Motion For Relief From Automatic Stay (Docket#57  
10 Main Case), which allowed the State Court Action, in part, to proceed, also indicated that  
11 "Enforcement of any judgment against the Debtor in the State Court Action is stayed pending  
12 further order of this Court . . ." Except for this Adversary Proceeding (and a similar  
13 adversary proceeding), the Debtors received a discharge on June 13, 2013 (Docket#113 Main  
14 Case), a Final Decree was entered on April 1, 2014 (Docket#120 Main Case), and the  
15 bankruptcy case was closed on April 1, 2014. Except for potential application of the April 2,  
16 2012 order, the automatic stay terminated no later than April 1, 2014 (11 U.S.C. 362 (c)(1)  
17 and (2)). Further delayed enforcement must be avoided.

18 I declare under penalty of perjury under the laws of the State of California that the foregoing  
19 is true and correct and executed this 4th day of August 2015 in San Jose, California.  
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21 /s/ William J. Healy  
22 William J. Healy  
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